

AGREEMENT TO RESOLVE
Adams County School District # 14, (Commerce City, Colorado)
OCR Case Number 08-10-1112

On March 25, 2010, the U.S. Department of Education, Office for Civil Rights (OCR) received a complaint against the Adams County School District # 14 in Commerce City, Colorado (District) alleging that the District discriminates against students, parents and staff on the basis of national origin (Hispanic). Specifically, the Complainant alleged that the District is a hostile environment toward Hispanic staff, parents and students. The Complainant also alleged that the District failed to communicate effectively with parents who are limited in their English proficiency (LEP) in a language and manner that they understand.

We initiated our investigation of these allegations under Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. § 2000d, and its implementing regulation, at 34 C.F.R. Part 100, which prohibit discrimination on the bases of race, color, or national origin in activities or programs that receive federal financial assistance. The District receives federal financial assistance from the Department and therefore is subject to the provisions of Title VI.

The District makes no admissions of wrongdoing, violations of law, or liability in this case, and its entry into this Agreement and actions taken in furtherance of this Agreement shall not constitute or be construed as evidence or an admission of any wrongdoing, violations of law, or liability. The District agrees to the terms of this Agreement in order to prevent further escalation of OCR enforcement action, and to take all steps reasonably designed to ensure that all staff, parents, and students enrolled in the District are not subject to a hostile environment and to respond to allegations of harassment on the basis of race, color, or national origin.

To this end, the District will promptly investigate all incidents of harassment of parents, students, and staff on the basis of race, color, or national origin that are known or reasonably should be known to the District and will take appropriate action to respond to complaints, which may include disciplinary action against students, staff and/or administrators found to have violated District Policies AC, JB, AC-R1, and AC-R2 (Policy). The District will take prompt, effective, action reasonably designed to end any hostile environment, prevent its recurrence, and, where appropriate, take steps to remedy the effects of the hostile environment on affected staff, parents and students.

The District acknowledges that, under Title VI, it has an obligation to “adequately notify” national origin-minority group parents of school programs and activities that are called to the attention of other parents. The District further acknowledges that under Title VI, it has the responsibility to ensure “meaningful access” to its programs and activities by persons with limited English proficiency. The District understands that the terms “adequately notify” and “meaningful access” mean that a parent who is considered to be limited English proficient (LEP) -based on his or her ability to read, speak, write or understand spoken English- is not to be excluded from or denied the benefits of the District’s programs and activities. Based on the foregoing, the District agrees to take the following actions:

1. By **April 1, 2014**, the Superintendent and School Board of Education will draft and submit to OCR for approval a letter in English and Spanish. The letter will identify:
 - a. The complaint allegations and OCR's findings in the OCR complaint against the District identified above;
 - b. identify steps that the District is taking to ensure compliance with Federal civil rights laws;
 - c. an explanation that the District does not tolerate acts of harassment, including harassment based on race, color or national origin, including harassment based on being Hispanic. The letter will be in English and Spanish, and
 - d. that if the District finds national origin harassment/discrimination it will take steps reasonably designed to effectively address, prevent, and respond to the harassment/discrimination. The letter will include language that:
 - i. Encourages people who believe that they have been subjected to or witnessed harassment/discrimination or a hostile environment based on race, color, or national origin to report this to the District;
 - ii. Notes the District's commitment to conducting a prompt investigation;
 - iii. Provides the appropriate contact information for the District Grievance Officer, and
 - iv. Warns that students, staff and/or administrators found to have engaged in acts of harassment or other acts that create a hostile environment based on race, color, or national origin will be promptly disciplined. The notice will make clear that such discipline may include, if circumstances warrant, suspension and/or expulsion, employment discipline and/or termination.
 - e. The establishment of a community focus group to partner with the District to increase community awareness of the District's anti-harassment program.
2. Within **10 days** of OCR's approval of the letter identified in Agreement Item 1, the District will release the letter through its normal modes of communicating with students, parents, and staff members including, but not limited to, posting the letter on its District website and including it in any District newsletters. The letter will also be made available in languages other than English and Spanish upon request.
3. By **April 1, 2014**, the District shall submit to OCR the name, title and professional credentials of an external consultant[s] engaged by the District to administer and assist in the review of the District's climate/need surveys as dictated in Agreement Item 4, assist the District in determining any corrective actions the District should take as a result of the first set of surveys¹ as required in Agreement Item 4, participate in the review and revision of

¹ Corrective actions determined by the District should be reasonably designed to effectively address, prevent, and respond to harassment/discrimination at District schools that may be based on race, color, or national origin.

District anti-discrimination/harassment policies as required by Agreement Item 7, to review and make recommendations on the use of teacher mentoring programs and their contribution to harassment/hostile environment based on race, color or national origin as required in Agreement Item 9, and to participate in the community focus group as identified in Agreement Item 12. Consultant[s] will have expertise in multicultural/multilingual education, pedagogy awareness, and second language acquisition. Consultants will not be the consultants hired to assist the District ELL Design Committee in 2009.

4. By **May 1, 2014**, the District shall develop and submit to OCR for approval student, parent, and staff surveys² to gauge the District's climate and needs as related to race, color, or national origin harassment/discrimination. The District will pay particular attention to the need to gauge attitudes and concerns related to staff treatment, parent treatment and to the use of Spanish by all students, parents and staff in the District. All surveys will be anonymous and provided directly to the external consultant identified in Agreement Item 3.

Reporting Requirement 4.1: Within **10 days** of OCR's approval of the climate/needs survey, the District will distribute climate surveys to parents, students and staff. The District will provide the means for parents to complete the climate survey in a language and manner that they understand and in a manner that is accessible to them, including as appropriate, in person, via being sent home with students, home visits, invitations to come to the school, phone blast messages, email blast messages, the U.S. Postal Service, etc. The District shall complete the collection of surveys within 14 days.

Reporting Requirement 4.2: By **June 27, 2014**, the District shall submit to OCR its initial findings of the student, parent and staff climate/needs surveys. Findings will include the District's proposed corrective actions and a timeline for the corrective actions.

5. By **March 11, 2014**, the District will notify OCR of the name, title and contact information of its new Grievance Officer. The District will also verify that it has published this information to parents, staff and the community at large. This notice will include a statement that the District does not tolerate acts of harassment, including harassment based on race, color or national origin, including harassment based on being Hispanic.
6. By **June 15, 2014**, the District will create a central database or separate electronic file system to track all complaints of race, color or national origin harassment/discrimination in the District. This database will track harassment/discrimination complaints in the District. The database will include the following information:
 - a. Name, title, and race of individual filing the complaint;
 - b. Name and race of the alleged victim;
 - c. The nature of the complaint;

² Participation in the survey by students will be entirely voluntary, and the survey will be conducted in a manner consistent with applicable law.

- d. The identity, race and title or position of the person[s] alleged to have discriminated;
- e. Identification of the individual designated to investigate the complaint and his or her title/position;
- f. The findings of the investigation;
- g. Identification of corrective action taken by the District, and
- h. An indication of how the parties were notified of the District's findings.³

Reporting Requirement 6: By **June 15, 2014**, the District will provide written verification that it has created a central database or other electronic tracking system for complaints of race, color or national origin harassment/discrimination.

- 7. By **July 1, 2014**, with consultation from the external consultant, the District will review and revise as necessary its antidiscrimination, anti-harassment and grievance policies and procedures which in part may be found in District policies AC, JB, AC-R1, and AC-R2. Review and revision will ensure policies are reasonably designed to prevent, address, and respond to incidents of harassment or existence of a hostile environment on the basis of race, color, or national origin. The revised policies and procedures will include the following:
 - a. A statement that the District is committed to having a school environment free from all harassment on the basis of race, color, and national origin, prohibits this harassment in the school environment, including all academic, extra-curricular and school-sponsored activities, and defines harassment and discrimination on the basis of race, color or national origin.
 - b. An encouragement for students, parents, and staff to immediately report incidents of harassment. The statement will emphasize that staff must promptly report all incidents of harassment of which they become aware. The statement will specify that the District will appropriately investigate **all** formal and informal complaints of harassment.
 - c. Definitions and examples of the type of conduct and behavior that is prohibited by the policy, including examples of administrator to staff and student harassment, staff-to-student harassment, and student or staff peer-to-peer harassment and locations where prohibited conduct may occur.⁴
 - d. An explanation of how to report harassment and/or file a complaint (formally and informally).

³ The District must demonstrate that it has taken prompt and equitable resolution to the allegations raised.

⁴ Definitions will align with OCR guidance on racial harassment and hostile environment more fully discussed in OCR's "Racial Incidents and Harassment Against Students at Educational Institutions: Investigative Guidance" which is available at: <http://www2.ed.gov/about/offices/list/ocr/docs/race394.html> (March 10, 1994), and examples will include allegations made in this case.

- e. A description of the District's complaint procedures, including a requirement that an investigatory report be completed promptly and equitably.
- f. The investigatory procedures documented in the investigatory report shall include : (1) the name, race and/or national origin of the alleged victim and, if different, the name, race and/or national origin of the person reporting the allegation; (2) the nature of the allegation, a description of the incident, and the date and time (if known) of the alleged incident; (3) the name(s), race, and/or national origin of all persons alleged to have committed the alleged harassment (if known); (4) the name(s), race and/or national origin of all known witnesses to the alleged incident; (5) any written statements of the reporter, the victim (if different from the reporter), the accused individual[s] and any known witnesses; (6) the outcome of the investigation, including the findings of the investigation along with a description of any needed corrective action; and (7) the response of District personnel.
- g. Identification of the means the District will use to investigate incidents of harassment, including but not limited to the following:
 - i. The various steps the District will take to conduct adequate, reliable and impartial investigations of reported incidents; and
 - ii. The action steps the District will take to stop, remedy, and prevent recurrence of the harassment.
- h. A recommendation that District staff who observe acts of harassment based on race, color, or national origin intervene to stop the harassment, unless circumstances would make such intervention dangerous.
- i. Prohibition of retaliation against persons who report alleged harassment or participate in related proceedings.
- j. A statement that the District will on a case by case basis and as needed offer academic services and/or counseling services (e.g., either internal or external counseling as appropriate to each situation) to any person found to have been subjected to harassment on the basis of race, color, or national origin and, where appropriate, cultural awareness and sensitivity training to the person(s) who committed the harassment.⁵
- k. A statement as to specific steps staff can take if the alleged harasser is a building administrator or other District administrator.

Reporting Requirement 7.1: By **July 5, 2014**, the District will submit to OCR for approval its revised antidiscrimination, anti-harassment and grievance policies and procedures.

⁵ The offer of counseling will extend to staff victims of harassment as well.

Reporting Requirement 7.2: Within **21 days** of OCR's approval of the revised policies, the District will adopt and publish the revised antidiscrimination, anti-harassment and grievance policies and procedures following its normal path for adoption and publication.

Reporting Requirement 7.3: Within **10 days** of adoption and publication of the revised antidiscrimination, anti-harassment and grievance policies and procedures, the District will provide OCR with written verification that the policies and procedures have been adopted and published.

Reporting Requirement 7.4: By **July 1, 2014**, the District will submit a training package to OCR for approval. The District will develop training for all District students (age and grade appropriate), and District staff (teachers, administrators, central office staff and the superintendent's cabinet, the District Board of Education, counselors, resource officers, coaches, school aides, and any other District personnel charged with supervising students or staff) on the policies and procedures referenced in this Agreement. The training will also specifically:

- Address the responsibility for staff to refrain from participating in harassment and the creation of a hostile environment, to report incidents of possible harassment and the procedures for doing so (with particular emphasis on reporting harassment by administrators), and
- Provide instruction on how to recognize, take steps reasonably designed to prevent and respond appropriately to such harassment. In developing the training, the District will take into consideration the recommendations and suggestions made by its consultant and will incorporate specific allegations from the investigation of this complaint.
- Remind students of the District's commitment to having a school environment free from all harassment and explain to students what they should do if they believe they or other students are being harassed.
- Include a review of the District's harassment policies and procedures, including an explanation of what harassment on the basis of race, color, or national origin is, as well as disciplinary sanctions related to findings of violations of its harassment policies and the policy prohibiting retaliation.
- Provide students with the name and contact information of a District employee at each building, such as a counselor, that the students may contact if they wish to discuss privately any concerns they have.

The District will provide OCR with the name and credentials of individuals identified to provide the training for OCR's approval. The credentials will include a curriculum vitae that demonstrates the trainers experience in the areas identified in this training package.

The District will distribute written materials (including in languages other than English, as necessary) during the program that contain the information discussed.

To address alleged insensitivity to the Hispanic culture, by the District, and alleged inappropriate prohibitions by administration on the use of the Spanish language, the District will place particular focus on the training of building administrators and central administrators in the areas of valuing the language and culture of students, parents and employees, and remedying any hostile environment that may have been created in the District.

Reporting Requirement 7.5: **Within 45 days of OCR’s approval of the District’s training package**, the District will provide the approved training from Reporting Requirement 7.4 to all students, staff, administration, and the Board of Education.

Reporting Requirement 7.6: **Within 15 days of conducting the training**, the District will provide OCR with written verification that it has completed the training required in reporting requirement 7.5. The District documentation will include:

- The agenda and handouts for the trainings;
 - The date and time the trainings were held; and
 - A copy of the attendance sheet from the trainings, including the name and title of each participant, along with a written assurance from the District that all required attendees were present during the training or scheduled make-up session.
8. By **July 1, 2014**, and in an effort to maximize the impact of the District’s training, the District will submit a request for certification for continuing education credit to the Colorado Department of Education for the mandatory training in Agreement Item 7.4 and 7.5, and for the staff working group identified in Agreement Item 11 as appropriate professional development for teachers and other licensed professionals to remedy the effects of past discrimination. The District will simultaneously provide a copy of the training certification request to OCR.
9. By **July 1, 2014**, the District in consultation with the external consultant will submit to OCR for approval a model, design and plan for teacher mentoring and induction in District classrooms. The model will specifically address the need to value native languages in the classroom; the lack of qualified observers for bilingual staff, and the need for accountability to ensure mentoring is not used in teachers’ formal evaluations.

Reporting Requirement 9: Within **30 days** of OCR’s approval, the District will submit verification to OCR that it has implemented its approved mentoring program.

10. By **May 15, 2014**, the District will establish and provide documentation to OCR of the existence of a student committee (comprised of at least 5 high school students,⁶ and 1 staff sponsor) with responsibility for providing a forum for students to discuss matters concerning

⁶ This student committee may include elementary and middle school student representation as appropriate.

discrimination or harassment on the basis of race, national origin or color, increase student awareness of the District's anti-harassment program, and suggest measures for improving the effectiveness of the District's program.⁷ The student committee will have the same privileges as other District extracurricular activities, including access to meeting space in the high schools and public notice about the committee, its meetings and its activities. The student committee will also provide specific suggestions to the Superintendent and independently to the Board of Education for developing an effective program that promotes respect and tolerance for others and takes steps reasonably designed to prevent the establishment of a hostile environment based on race, color or national origin for students. The student committee will meet at least four times throughout the academic year, during different school hours. Students participating in the committee will be given excused absences from class.

Reporting Requirement 10: By **May15, 2014**, the District will provide OCR with evidence that demonstrates the District established the student committee, including a description of the committee's duties, the committee's schedule of events during the remainder of the 2013-14 school year, and a roster of the committee's members identifying each student's race/color/national origin.

11. By **May 15, 2014**, the District will establish and provide documentation to OCR of a staff working group of at least 4 elementary staff members, 2 middle school staff members, and 2 high school staff members to provide a forum for staff to discuss matters concerning discrimination or harassment on the basis of race, national origin or color, increase staff awareness of the District's anti-harassment program, and suggest measures for improving the effectiveness of the District's program. The staff working group meetings will be open to all District staff and staff will be given notice about the committee, its meetings and its activities. The staff working group will also provide specific suggestions to the Superintendent and independently to the Board of Education for developing an effective staff orientation program that promotes respect and tolerance for others and takes steps reasonably designed to prevent the establishment of a hostile environment based on race, color or national origin for all District. The staff working group will meet at least four times throughout the school year during school hours and will be granted administrative leave to participate. In addition:
 - a. The documentation provided to OCR will include the name, title, school, and race/color/national origin of each member of the staff working group.
 - b. The staff working group will be provided with a designated qualified employee to coordinate the group's meetings and work;

⁷ To address the allegations of a hostile environment toward Hispanics, the District will strive to ensure that the makeup of the race/color/national origin of the student committee represents the percentages of the overall District student population. (e.g., if Hispanics are 80% of the District population, the District will work to encourage Hispanics students to participate in the committee so that the percentage of Hispanic students on the committee reflects the overall population of the District.) This will be monitored by OCR in Reporting Requirement 10.

- c. The working group will be asked to provide the Superintendent, and independently to the Board of Education, input regarding strategies for preventing harassment, and ensuring that District staff understand their right to be protected from discrimination, including harassment, on the basis of race, color and national origin and to be protected from retaliation for reporting alleged discrimination;
 - d. The working group also will provide continuing input to District officials regarding strategies to ensure students understand how to report possible violations of the Policy and are aware of the District's obligation to promptly and effectively respond to complaints alleging race, color or national origin discrimination, including harassment;
 - e. The group will consider how outreach efforts to families and family advocacy organizations can be made to garner support for the District's anti-harassment program, and
 - f. The designated qualified employee will prepare a written summary of the recommendations and suggestions of the staff working group.
12. By **May 15, 2014**, the District will provide OCR with written verification that it has conducted a community meeting to create a focus group of community members and community organizations⁸ to partner with the District to increase community awareness of the District's anti-harassment program, and suggest measures for improving the effectiveness of the District's program. The community focus group will be provided with a designated qualified employee to coordinate the group's meetings, invite community organizations, to work directly with the focus group and to act as a District liaison to provide the feedback to the Superintendent and Board of Education if needed.
- The community focus group will then meet at least 3 additional times throughout the school year and will be conducted in English and Spanish. The District will also provide translators for other language groups that wish to participate in the community focus group. The community focus group will:
- a. Consider how outreach efforts to families and family advocacy organizations can be made to garner support for the District's anti-harassment program, and
 - b. Provide the Superintendent and independently to the Board of Education input regarding strategies for preventing harassment/discrimination on the basis of race, color and national origin and protections from retaliation for reporting alleged discrimination.
13. By **August 15, 2014**, the Superintendent and Deputy Superintendent for the District will complete an audit of the work, employment history, employment files, and removal of the former employees listed in Attachment A of this Agreement.

⁸ Community organizations may include organizations such as the BUENO Center for Multicultural Education, Padres Unidos, and the Colorado Statewide Parent Coalition.

The audit will consider the reasons that individuals proffer for their separation from the District to include whether their departure was related to alleged discrimination/hostile environment on the basis of race, color or national origin within the District. The Superintendent and Deputy Superintendent will interview identified individuals who consent to be interviewed and, as appropriate, others that interviewees may identify. Through the audit, the District will determine any corrective actions it will take in order to remedy the effects of discrimination/harassment or hostile environment that these individuals were allegedly subjected to (such as a possible offer of re-employment, changes to employment files, letters of recommendation, re-assignment of staff, etc.) and a timeline for implementation of corrective action, which will be monitored by OCR.

Reporting Requirement 13.1: By **August 30, 2014**, the District will provide to OCR a report of the employment audit to include:

- a. A description of each investigation, interview statements, and the District's response; and
- b. A list of corrective actions that the District commits to take as a result of the audit, with specific target dates for completion, which will be monitored by OCR through completion.

Reporting Requirement 13.2: By **November 1, 2014**, the District will provide OCR with a report documenting all completed actions taken in Agreement Item 13. The documentation will include the action taken, the date completed, and the names of the employees or former employees affected by the corrective action.

14. By **August 30, 2014**, and at the conclusion of each following school year, the District will conduct an annual assessment of the effectiveness of its anti-harassment efforts. Such assessment shall include:

- a. Consultation with the committee and working groups established pursuant to Agreement Items 10, 11, and 12 above;
- b. Student, parent and staff surveys⁹;
- c. A review of all reports of harassment and District responses as noted in Agreement Item 6;
- d. Evaluation and analysis of the data collected for Agreement Item 6, including a disaggregated assessment of whether the reported incidents of harassment have increased or decreased in number and severity,
- e. A summation of findings and final corrective action taken as a result of the District's employment audit identified in Agreement Item 13, and

⁹ Participation in the survey by students will be entirely voluntary, and the survey will be conducted in a manner consistent with applicable law.

- f. Proposed recommendations for improvement to the District's anti-harassment program and timelines for the implementation of the recommendations.

Reporting Requirement 14: By **August 30, 2014**, the District will provide OCR with the report of its annual assessment of the effectiveness of its anti-harassment efforts. The report will include all findings, summation of data collected and the changes to be implemented with timelines for implementation including items 14. a-f.

The District agrees that the complaint allegations concerning the ELL Design Committee, the District's language use policy, and communication with LEP parents in a language and manner that they understand will be addressed in additional requirements in OCR Case Number 08-09-1230 which is currently in monitoring with OCR.¹⁰

The District understands that by signing this Agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of this Agreement. Further, the District understands that during the monitoring of this Agreement, if necessary, OCR may visit the District, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the District has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Title VI which were at issue in this case.

The District understands that OCR will not close the monitoring of this Agreement until OCR determines that the District has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Title VI.

¹⁰ OCR case number 08091230 addresses the District's alternative language program.

The District understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of the Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings to enforce the Agreement, OCR shall give the District written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

For the Adams 14 School District (Commerce City, Colorado)

/s/

2/11/14

Mr. Robert Vashaw,
President of the Board of Education

Date:

/s/

2/11/14

Mr. Patrick Sánchez,
Superintendent

Date: